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SERVICE DATE – LATE RELEASE MARCH 12, 2018

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36164

ULSTER & DELAWARE RAILWAY REVITALIZATION CORP.—PETITION FOR
DECLARATORY ORDER

Decided: March 12, 2018

The Ulster & Delaware Railway Revitalization Corp. (U&D), a non-profit tax-exempt New York corporation, filed a petition for declaratory order on January 16, 2018, requesting that the Board determine whether a line of railroad in Ulster County, N.Y. (County), known as the Catskill Mountain Branch (the Line), has been abandoned, and if so, whether the conversion of the Line's right-of-way into a trail could be done pursuant to the National Trails Act, 16 U.S.C. § 1247(d). On February 22, 2018, the County filed a reply to U&D's petition for declaratory order.

On February 23, 2018, U&D filed a letter requesting that the Board grant a 10-day extension, until March 24, 2018, for it to file a pleading in response to the County's February 22 reply. U&D states that its counsel has personal obligations which might make it difficult to file a responsive pleading by the March 14 deadline. The County responded to U&D's extension request on February 26, 2018, asserting that, while U&D's request to submit a "reply to a reply" is barred under the Board's rules, if the Board accepts U&D's filing, the County consents to a seven-day extension.

Under 49 C.F.R. § 1104.13(a), a party "may file a reply or motion addressed to any pleading within 20 days after the pleading is filed with the Board, unless otherwise provided." Subsection 1104.13(c), however, further provides that "a reply to a reply is not permitted." This decision does not waive the § 1104.13(c) prohibition on replies to replies or grant U&D permission to file one. However, good cause has been shown to extend the § 1104.13(a) deadline by seven days, to March 21, 2018, if U&D chooses to file a supported motion for leave to do so.

It is ordered:

1. The deadline for U&D to file motions responsive to the County's reply is extended to March 21, 2018.
2. This decision is effective on its date of service.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.